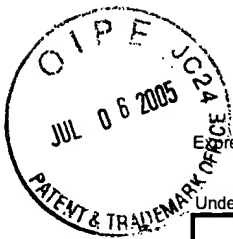


JUL 08 2005



Express Mail No. EV729041062US

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/653,706-Conf. #5924

Filing Date September 1, 2000

First Named Inventor Gilberto Arniz

Art Unit 2124

Examiner Name W. H. Wood

Attorney Docket Number 384818511US1

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

IDS Resubmission
Form SB/08
Copies of Cited References (2)
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name PERKINS COIE LLP

Signature

Printed name Steven D. Lawrenz

Date

7/6/05

Reg. No.

37,376



Express Mail Label EV729041062US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ARNAIZ *ET AL.*

APPLICATION No.: 09/653,706

FILED: 09/01/2000

FOR: METHOD, SYSTEM, APPARATUS AND
PROGRAM PRODUCT FOR DISTRIBUTION
AND INSTANTIATION OF SOFTWARE
UPGRADES

EXAMINER: WOOD, WILLIAM H.

ART UNIT: 2124

CONF. No: 5924

Resubmission of Information Disclosure Statement
Filed on April 11, 2005

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The enclosed Information Disclosure Statement (IDS) was filed with the U.S. Patent and Trademark Office on April 11, 2005 prior to the mailing of the Notice of Allowance on May 2, 2005. The patent record indicates it was received, however, the examiner has not returned an initialed copy of the Form SB/08 listing the cited references. Applicants respectfully resubmit the IDS and request that the Examiner initial the enclosed Form SB/08.

No fees are believed due because this is a resubmission of a previous filing. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665. If the Examiner has any questions, he is requested to contact Steven D. Lawrenz at (206) 359-6373.

Respectfully submitted,
Perkins Coie LLP

Date: 7/6/05

Steven D. Lawrenz
Registration No. 37,376

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000



Express Mail No. EV723060236US

Docket No.: 384818511US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Arniz et al.

Application No.: 09/653,706

Confirmation No.: 5924

Filed: September 1, 2000

Art Unit: 2124

For: METHOD, SYSTEM, APPARATUS AND
PROGRAM PRODUCT FOR
DISTRIBUTION AND INSTANTIATION OF
SOFTWARE UPGRADES

Examiner: W. H. Wood

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

A copy of only those references listed below is attached:

For. Doc No.	Ctry	Patentee/Applicant	Publication Date
0802480	EP	Sun Microsystems Inc.	October 22, 1997

Other Documents
Anonymous, "Logging Status Information While Installing New Software," IBM Technical Disclosure Bulletin, IBM Corp., vol. 34, no. 1, June 1991 (1991-06) page 177, New York, USA.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this

application by this firm) to our Deposit Account No. 50-0665, under Order No. 384818511US1.

Dated:

4/11/05

Respectfully submitted,

By

Stéven D. Lawrenz

Registration No.: 37,376

PERKINS COIE LLP

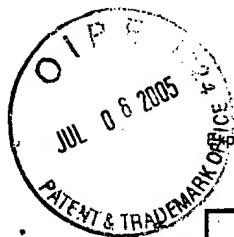
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Attorney for Applicant



Express Mail No. EV723060236US

PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/653,706-Conf. #5924
				Filing Date	September 1, 2000
				First Named Inventor	Gilberto Arniz
				Art Unit	2124
				Examiner Name	W. H. Wood
Sheet	1	of	1	Attorney Docket Number	384818511US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-5,473,772	12-05-1995	Halliwell et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	EP-0802480	10-22-1997	Sun Microsystems Inc.		✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Anonymous, "Logging Status Information While Installing New Software," IBM Technical Disclosure Bulletin, IBM Corp., vol. 34, no. 1, June 1991 (1991-06) page 177, New York, USA.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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